UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America	)
v.	)
	) Case No: 4:96CR53-13
Tony Hoey	) USM No: 14140-058
Date of Previous Judgment: 3/26/98	) Stanford K. Clontz
(Use Date of Last Amended Judgment if Applicable)	) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of   ■ the defendant   ❐ the Director of the Bureau of Prisons   ❐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

■ DENIED.   ❐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____ .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

❐ The reduced sentence is within the amended guideline range.

❐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

■ Other (explain):   The defendant is eligible for a two-level reduction in offense level pursuant to Amendment 706 (Retroactive Crack Cocaine Reduction). However, this has no effect on the sentencing guidelines as the defendant is subject to the 240-month statutory mandatory minimum sentence.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated   3/26/98   shall remain in effect.

IT IS SO ORDERED.

Order Date: December 12, 2008

Effective Date: _____
(if different from order date)

Lacy H. Thornburg
United States District Judge